fects, is derived from the ecclesiastical courts and not from the common law. See *Devanbagh* v. *Devanbagh* (N. Y. 1836) 5 Paige Ch. 554, 555. In criminal cases, because of constitutional provisions against self-incrimination, the accused cannot be forced to submit to physical examination. *State* v. *Newcomb* (1909) 220 Mo. 54, 119 S. W. 405. But in actions for personal injuries, in spite of a lack of authority at early common law, compulsory examination of the plaintiff is now usually discretionary with the trial court. *Alabama Gr. So. R. R.* v. *Hill* (1890) 90 Ala. 71, 8 So. 90; *Richmond & Danville Ry.* v. *Childress* (1889) 82 Ga. 719, 9 S. E. 602; *Lyon* v. *Manhattan Ry.* (1894) 142 N. Y. 298, 37 N. E. 113 (under a statute); *contra, Peoria D. & E. Ry.* v. *Rice* (1893) 144 Ill. 227, 33 N. E. 951 (allowing no examination). The court in the instant case had to balance two conflicting policies. On the one hand it is the policy of the law to afford all possible means of bringing out the truth. On the other hand there is the desire to discourage the publication of defamatory statements, even though true. Thus the defendant is required to prove the truth of the exact statement made. *Buckner* v. *Spaulding* (1890) 127 Ind. 229, 26 N. E. 792. In some states slander, though true, is criminal. *E. g.,* Wis. Stat. (1919) § 4569(2). This policy, combined with the traditional feeling against forcing one to submit to the indignity of a physical examination, properly prevails, even though the effect is to make it almost impossible for the defendant to establish the truth of his statements.

INSURANCE—VIOLATION OF PENAL STATUTE BY INSURED.—The plaintiff sued the defendant insurance company on an indemnity policy to recover what he had been compelled to pay to one T for injuries inflicted by the plaintiff's car. The accident occurred while the car was being driven at the plaintiff's direction by an infant under eighteen, in violation of a statute. The defendant contended that to allow indemnity was inconsistent with public policy. *Held,* for the plaintiff. *Messersmith* v. *American Fidelity Co.* (1921) 232 N. Y. 161, 133 N. E. 432.

Within wide limits legislative determination of public policy is final. See *Demarest* v. *Flack* (1891) 128 N. Y. 205, 214, 28 N. E. 645. A New York statute allows owners to insure against liability incurred through their use and maintenance of automobiles. N. Y. Cons. Laws (1909) c. 33, § 70. Penal statutes are so extensive that civil liability for automobile accidents is rarely incurred without their violation. *Cf.* N. Y. Cons. Laws (1909) c. 30, § 290 (Highway Law); N. Y. Cons. Laws (1909) c. 88, § 1052 (Penal Law). To restrict recovery to cases where the accident occurred without infringing any penal statute would make indemnity insurance of very little practical value. It is fair to conclude, therefore, that the legislature by allowing this type of insurance indicated that it did not consider its collection in such cases against public policy. Where the injury caused by the insured was willful there can be no recovery on the policy. But the injury in the instant case was not willful in that sense. Although the violation of the statute was willful, that violation was only indirectly responsible for T's injuries, which were not intended by the plaintiff.

INTOXICATING LIQUORS—VOLSTEAD ACT—RIGHT TO TRANSPORT.—Prior to the Volstead Act the plaintiff bought liquor which was stored in a government bonded warehouse. Subsequent to the passing of the Act the defendants, internal revenue collectors, refused to permit the removal of the liquor, although the plaintiff tendered payment of the taxes due. *Held,* Mr. Justice McReynolds dissenting, such detention was proper, and not in violation of the Fifth Amendment. *Corneli* v. *Moore* (U. S. 1922) 42 Sup. Ct. 176.

While this holding seems the obvious interpretation of the Volstead Act it is difficult to reconcile it with *Street* v. *Lincoln Safe Deposit Co.* (1920) 254 U. S.